

Ramos, J

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UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

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HERBALIST & ALCHEMIST, INC.	:	
	:	Civil No. 16-cv-9204 (ER)
Plaintiff,	:	
	:	ORDER TO SHOW CAUSE
-against-	:	FOR CONTEMPT FOR
	:	VIOLATION OF A COURT
ALURENT PRODUCTS, INC. and WILL CLARENT,	:	ORDER AND PERMANENT
	:	INJUNCTION AND TO
Defendants.	:	ENFORCE COMPLIANCE
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Upon the Declaration of Monica P. McCabe dated July 6, 2017, the exhibits annexed thereto, the Affidavit of Elizabeth Lambert dated June 30, 2017, the exhibits annexed thereto, the accompanying Memorandum of Law, the Complaint, the Court's March 8, 2017 Order for Default Judgment, and all of the relevant papers and pleadings on file with the Court in this matter, it is:

ORDERED that the above-named Defendants, the domain name registrars for the websites that market, promote and sell Defendants' infringing products, Enom, Inc. ("Enom") and GoDaddy.com ("GoDaddy"), the domain host, Namecheap.com ("Namecheap"), the issuer of their SSL Certificate, Let's Encrypt (through Internet Security Research Group) ("LE"), and Defendants' third party agents Facebook, Amazon, Twitter, Idweeds, Groupon, CBDDiagnosis, Supplement Police, Supplement Journal, Nfinx, Inc., YouTube and AT&T (collectively, "Third Party Agents") show cause before this Court, at Courtroom 619, United States Courthouse, 40

✓Foley Square, New York, NY 10007-1312 on August 10, 2017 at 11:30~~o'clock~~ in the Am, or as soon thereafter as counsel may be heard, why an order should not be issued pursuant to Rules 70 and 71 of the Federal Rules of Civil Procedure:

- i. directing Defendants Alurent Products, Inc. and Will Clarent (“Defendants”) and the third party agents, Facebook, Amazon, Twitter, Idweed, Groupon, CBDDiagnosis, Supplement Police, Supplement Journal, Nfinx, Inc., YouTube and AT&T (“Third Party Agents”) to immediately takedown any infringing material, including and without limitation the sale and advertisement of infringing products on their websites;
- ii. directing Defendants to abandon, and Enom, Inc. (“Enom”) and GoDaddy.com (“GoDaddy”) to de-register, the herbal-chemist.com and Nfinx.com domain names;
- iii. appointing Herbalist to act on Defendants’ behalf to cancel and de-register the domain name “www.herbal-chemist.com” and “www.Nfinx.com”;
- iv. directing Namecheap.com (“Namecheap”) to takedown the website “www.Nfinx.com”;
- v. directing Let’s Encrypt (“LE”) to withdraw the SSL Certificate for Namecheap;
- vi. directing AT&T to permanently disconnect the telephone number +1 530.677.1200;
- vii. appointing Herbalist to act on Defendants’ behalf to cancel and disconnect the telephone numbers +1 530.677.1200 and 877.730.5016;
- viii. holding Defendants, Enom, GoDaddy, Namecheap, LE and/or the Third Party Agents in civil contempt if they fail to comply with this Order within ten (10) days;
- ix. holding Defendant Will Clarent in criminal contempt and issuing an Order of Arrest and referral to the United States Attorney’s Office for criminal contempt prosecution if he fails to comply with this Order within ten (10) days;

- x. sanctioning Defendants, Enom, GoDaddy, Namecheap, LE and the Third Party Agents for their contempt in an amount to be determined upon motion to the Court, and which may be established through affidavit and/or documentary evidence;
- xi. awarding Plaintiff reasonable attorneys' fees and costs upon submission of evidence of such costs in connection with this Application and its takedown efforts to date; and
- xii. granting such other relief as the Court deems equitable and just.

ORDERED that Defendants', Enom's, GoDaddy's, Namecheap's, LE's and the Third Party Agent's answering papers, if any, shall be filed with the Clerk of this Court and served upon the attorneys for Plaintiffs by delivering copies thereof to the offices of Phillips Nizer LLP, 666 Fifth Avenue, New York, New York 10103, Attention: Monica P. McCabe, Esq., within fourteen (14) days of being served with this Order to Show Cause and copies of all papers submitted herewith. Any reply shall be filed and served by Plaintiffs within seven (7) days of being served with the answering papers; and it is further

ORDERED that service by Federal Express or Express Mail of a copy of this order, together with the papers upon which it is granted, be served upon the Defendants, Enom, GoDaddy, Namecheap, LE and the Third Party Agents on or before July 25, 2017 by 5 o'clock in the PM and that such service be deemed good and sufficient.

Dated: New York, New York
July 20, 2017



EDGARDO RAMOS
United States District Judge

